

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1616 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

KATHI DARBAR BAVKU

Versus

STATE OF GUJARAT

Appearance:

MR ND NANAVATI for Petitioner
MR DN PATEL. APP for Respondents.

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 11/08/97

ORAL JUDGEMENT

1. The petitioner has preferred this petition challenging the impugned order dated 27/9/1991 for taking surety in the sum of Rs.20,000/- for good behaviour confirmed by the appellate authority on 19/11/1991 in appeal.
2. The matter came up for hearing of admission on

25/11/1991. Following order was passed on that day :-

"Rule. Expedited. Interim relief in terms of para 11(B) till further orders. Mr. Divetia waives the service of Rule for the respondents."

3. Today the matter has been placed before this Court for final hearing. The only submission that has been made on behalf of the petitioner is that there is a passage of around six years since the impugned orders were passed and since this petition was moved. Hence, the reason for passing the impugned orders might not exist as on today.

4. In reply, it has been submitted by Mr. D.N. Patel, Ld. A.P.P. for the respondents that there is a power contained in section 56 of the Bombay Police Act and the orders which have been impugned in this petition were quite within the powers of the concerned authorities. Hence, the petitioner might make appropriate representation to the respondent no.1 for dispensing with the execution of the impugned order Annexure-C. In my opinion there is some substance in what Mr. D.N. Patel has submitted before this Court. Following direction is, therefore, issued :-

This petition is dismissed with liberty to the petitioner to make appropriate representation to the respondent no.1 for dispensing with execution of the impugned order of taking surety/bond in the sum of Rs.20,000/- from the petitioner for a period of one year or for revoking the said order. As and when such representation is made, the same shall be decided in accordance with law. With this liberty to the petitioner, this petition is dismissed. Rule is discharged. Interim relief vacated.

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